IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITON NO.5236 OF 2004

Union of India through the
Regional Director ..Petitioner.

V/s.

Mr.Kishore K.Jadhav & Anr. ..Respondents.

Mr.D.A.Dubey i/b. T.C.Kaushik for petitioner.

Mr.Sachin Manale i/b. S.S. Pakale for respondents.

CORAM : V.C.DAGA, J.

DATED : 4TH APRIL, 2006.

P.C. :-

Heard. Perused petition. Undisputed facts reveal that in spite of service of the notice of this petition, the Regional Director; the Petitioner herein; did not appear before the Tribunal. No steps were taken by him to contest the proceedings. He allowed the matter to proceed ex-parte knowing fully well the consequences thereof.

2. The Regional Director is not a layman. He knows Court procedure. He could not have entered in correspondence with the Tribunal. It was expected on the part of the Regional Director to engage a counsel and to put forth his submissions before the Tribunal. No such steps were taken. Considering the lapse and negligence on the part of the petitioner; which is writ large, this is not a fit case to show any indulgence in exercise of the writ jurisdiction of this Court. No submissions were made on merits of the matter. The petitioner is, therefore, dismissed in limine with no order as to costs.

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